



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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SENT VIA REGULAR MAIL

John R. Jacus
Davis, Graham & Stubbs
1550 17th Street, Suite 500
Denver, CO 80202

Re: Hecla Mining Co., Docket No. RCRA-8-99-06
Request for Comments on Draft RCRA 7003
Consent Order

Dear John:

This letter marks my final attempt to engage Hecla in resolving the environmental issues associated with its waste facility on the Shivwits Band of Paiute Indian Reservation by negotiating the terms of a consent order prior to issuing the order unilaterally.

EPA initially requested that Hecla review and comment on a proposed RCRA § 7003 Administrative Order on Consent Order ("Consent Order") in a letter dated February 12, 2002. Since that time, EPA was notified on December 5, 2002, and again on April 24, 2003, that Hecla planned to proceed with the Consent Order and that comments would be forthcoming. No comments have been received to date despite at least one reminder message on June 18, 2003.


Although EPA believes that negotiating the terms of the Consent Order is in the best interest of both parties, the Agency must move this matter forward to ensure environmental and public health protection. EPA plans to file a unilateral RCRA § 7003 Order if Hecla does not submit its comments to EPA by September 19, 2003. Please note that the content and terms of a unilateral order would likely consist of those requirements set forth in the draft Consent Order. Additional requirements may be imposed following EPA's upcoming RCRA compliance inspection of the facility on September 24, 2003.



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Please do not hesitate to call me at (303) 312-6906 or Eric Johnson at (303) 312- 6357 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Amy S', with a stylized flourish at the end.

Amy Swanson, Attorney
Legal Enforcement Program

cc: Chris Gypton, Hecla Mining Co.
John Galbavy, Hecla Mining Co.

UTD982590002

bcc: Eric Johnson, 8ENF-T
Donna Jackson, 8P-TA

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AUG 29 2003

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Justice